

HOUSE BILL No. 2246

By Committee on Insurance

Requested by Representative Sutton

2-4

1 AN ACT concerning health and healthcare; relating to hospitals; requiring
2 that hospitals provide online pricing information for certain items and
3 services; enacting the consumer protection related to hospital price
4 transparency act; referring noncompliant hospitals to the United States
5 department of health and human services for enforcement purposes;
6 providing for civil actions against noncompliant hospitals.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. (a) Sections 1 through 4, and amendments thereto, shall be
10 known and may be cited as the consumer protection related to hospital
11 price transparency act.

12 (b) As used in the consumer protection related to hospital price
13 transparency act, "hospital" means the same as defined in K.S.A. 65-450,
14 and amendments thereto.

15 Sec. 2. (a) Pursuant to 45 C.F.R. § 180, each hospital operating in the
16 United States is required to provide clear, accessible pricing information
17 online about the items and services that each such hospital provides. Each
18 hospital that is licensed in Kansas pursuant to K.S.A. 65-427, and
19 amendments thereto, shall provide:

20 (1) A list of the hospital's top 300 procedures with corresponding
21 pricing information and a plain language description of each such
22 procedure included in a consumer-friendly format on a public-facing
23 website;

24 (2) upon request of a patient scheduled to receive an elective
25 procedure, a test or a service to be performed by the hospital or, upon
26 request of such patient's legally authorized representative, made not less
27 than three days in advance of the date on which such elective procedure,
28 test or service is scheduled to be performed, furnish the patient with an
29 estimate of the payment amount for which the patient will be responsible;
30 and

31 (3) written information about the patient's ability to request an
32 estimate of the payment amount pursuant to this section.

33 (b) The written information required pursuant to subsection (a)(3)
34 shall be posted in conspicuous public areas of the hospital, including
35 registration or admission areas, and included on any website maintained by

1 the hospital.

2 Sec. 3. (a) (1) The attorney general shall have the authority to enforce
3 the provisions of this act.

4 (2) Prior to July 1, 2025, the attorney general shall send each hospital
5 a letter notifying such hospital of the requirements of this act and its
6 effective date.

7 (b) If the attorney general finds that a hospital is noncompliant with
8 45 C.F.R. § 180, as in effect on July 1, 2025, then the attorney general
9 shall refer information about such hospital's noncompliant status to the
10 United States department of health and human services for enforcement
11 purposes.

12 Sec. 4. (a) (1) If a patient believes that a hospital was not in material
13 compliance with this act on the date that items or services were purchased
14 by or provided to the patient, then such patient or patient guarantor may
15 file a civil action against the hospital to determine if:

16 (A) The hospital was materially out of compliance with this act or
17 rules and regulations promulgated thereunder on the date that the items or
18 services were purchased or provided; and

19 (B) such noncompliance with this act is related to the items or
20 services purchased by or provided to the patient.

21 (2) (A) If the trier of fact finds that the hospital was materially out of
22 compliance with this act or rules and regulations promulgated thereunder,
23 after considering standards issued by the federal centers for medicare and
24 medicaid services and standards set by this act, the court shall order the
25 hospital to:

26 (i) Refund the payor any amount of the debt that the payor has paid
27 and pay a penalty to the patient or patient guarantor in an amount equal to
28 the amount of the debt;

29 (ii) move to dismiss, with prejudice, any collection action relating to
30 the debt and pay any attorney fees and costs incurred by the patient or the
31 patient guarantor relating to such action; and

32 (iii) cause to be removed from the patient or the patient guarantor's
33 credit report any report made to a consumer reporting agency relating to
34 the debt and take necessary actions to cause any report made to a
35 consumer credit agency relating to the debt to be removed from the
36 patient's or patient guarantor's credit report.

37 (B) The court shall provide a copy of the order issued pursuant to this
38 subsection to the attorney general to notify the attorney general of the
39 material noncompliance finding.

40 (b) Nothing in this act shall be construed to:

41 (1) Prohibit a hospital from billing a patient guarantor or third-party
42 payor, including a health insurer, for items and services purchased by or
43 provided to the patient; or

1 (2) require a hospital to refund any payment made to such hospital by
2 a patient, patient guarantor or third-party payor for items purchased by or
3 provided to the patient unless such hospital has been found to have been
4 out of compliance with this act, in accordance with subsection (a)(2)(A).

5 Sec. 5. This act shall take effect and be in force from and after its
6 publication in the Kansas register.